

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DANNY J. HICKS,

Plaintiff,

vs.

RALPH BATTLE, et al.,

Defendants.

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5:03CV307 (DF)

ORDER

This order is in reference to the Report and Recommendation that United States Magistrate Judge Claude W. Hicks, Jr. filed in this case on May 6, 2005. The report recommended that the Court deny Plaintiff's motion for a prohibitory injunction as premature. Plaintiff sought to prohibit Defendants from using his medical and institutional file at trial. The Court has reviewed and carefully considered Defendant's objections to the Magistrate Judge's Recommendation, but concludes that these objections do not warrant rejection or modification of the Magistrate Judge's findings.

Accordingly, Plaintiff's Motion for a Prohibitory Injunction is DENIED. However, should this case proceed to trial, Plaintiff may then re-file his motion.

SO ORDERED, this 24th day of May, 2005.

s/ Duross Fitzpatrick

DUROSS FITZPATRICK, JUDGE
UNITED STATES DISTRICT COURT

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